

Suspending limitations on conference committee
jurisdiction, H.B. No. 22 (Huberty/Taylor)

By: Huberty

H.R. No. 2637

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 85th Legislature, Regular Session, 2017, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 22 (public school
6 accountability) to consider and take action on the following
7 matters:

8 (1) House Rule 13, Section 9(a)(3), is suspended to permit
9 the committee to add text on a matter that is not in disagreement in
10 proposed SECTION 8 of the bill, in added Section 39.053(c-3),
11 Education Code, to read as follows:

12 (c-3) Any standard for improvement determined by the
13 commissioner as described by Subsection (c)(2)(A) must allow for
14 appropriately crediting a student for growth if the student
15 performs at the highest achievement standard in the previous and
16 current school year.

17 Explanation: The addition is necessary to provide an
18 appropriate standard for measuring student growth in performance on
19 assessment instruments.

20 (2) House Rule 13, Section 9(a)(3), is suspended to permit
21 the committee to add text on a matter that is not in disagreement in
22 proposed SECTION 10 of the bill, in amended Section 39.054(a),
23 Education Code, by adding a sentence referencing added Section
24 39.0544, Education Code, to read as follows:

1 (a) The commissioner shall adopt rules to evaluate school
2 district and campus performance and assign each district and campus
3 an overall performance rating of A, B, C, D, or F. In addition to
4 the overall performance rating, the commissioner shall assign each
5 district and campus a separate domain performance rating of A, B, C,
6 D, or F for each domain under Section 39.053(c) [~~Sections~~
7 ~~39.053(c)(1)-(4)~~]. An overall or domain performance rating of A
8 reflects exemplary performance. An overall or domain performance
9 rating of B reflects recognized performance. An overall or domain
10 performance rating of C reflects acceptable performance. An
11 overall or domain performance rating of D reflect performance that
12 needs improvement. An overall or domain performance rating of [~~e~~]
13 F reflects unacceptable performance. A district may not receive an
14 overall or domain performance rating of A if the district includes
15 any campus with a corresponding overall or domain performance
16 rating of D or F. If a school district has been approved under
17 Section 39.0544 to assign campus performance ratings and the
18 commissioner has not assigned a campus an overall performance
19 rating of D or F, the commissioner shall assign the campus an
20 overall performance rating based on the school district assigned
21 performance rating under Section 39.0544. A reference in law to an
22 acceptable rating or acceptable performance includes an overall or
23 domain performance rating of A, B, [~~e~~] C, or D or performance that
24 is exemplary, recognized, or acceptable performance or performance
25 that needs improvement.

26 Explanation: The addition is necessary to incorporate the
27 local accountability system as a component in assigning performance

1 ratings.

2 (3) House Rule 13, Section 9(a)(3), is suspended to permit
3 the committee to add text on a matter that is not in disagreement in
4 proposed SECTION 10 of the bill, in amended Section 39.054(a-2),
5 Education Code, by adding a reference to added Section 39.0544,
6 Education Code, to read as follows:

7 (a-2) The commissioner by rule may ~~shall~~ adopt procedures
8 to ensure that a repeated performance rating of D or F or
9 unacceptable in one domain, particularly performance that is not
10 significantly improving, is reflected in the overall performance
11 rating of a district or campus under Section 39.0544 and is not
12 compensated for by a performance rating of A, B, or C in another
13 domain.

14 Explanation: The addition is necessary to provide a
15 reference to the local accountability system.

16 (4) House Rule 13, Sections 9(a)(2) and (4), are suspended
17 to permit the committee to omit text that amended Section 39.0546,
18 Education Code, relating to performance in community and student
19 engagement as a component of district and campus rating, on a matter
20 that is not in disagreement, and add text on a matter that is not
21 included in either the house or senate version of the bill by
22 repealing in SECTION 19 of the bill Section 39.0546, Education
23 Code.

24 Explanation: The change is necessary to repeal Section
25 39.0546, Education Code, which is no longer necessary with the
26 addition of the local accountability system.

27 (5) House Rule 13, Section 9(a)(3), is suspended to permit

1 the committee to add text on a matter that is not in disagreement in
2 proposed SECTION 14 of the bill, in added Section 39.0544,
3 Education Code, to read as follows:

4 Sec. 39.0544. LOCAL ACCOUNTABILITY SYSTEM. (a) The
5 commissioner shall adopt rules regarding the assignment of campus
6 performance ratings by school districts and open-enrollment
7 charter schools. The rules:

8 (1) must require a district or school, in assigning an
9 overall performance rating for a campus, to incorporate:

10 (A) domain performance ratings assigned by the
11 commissioner under Section 39.054; and

12 (B) performance ratings based on locally
13 developed domains or sets of accountability measures;

14 (2) may permit a district or school to assign weights
15 to each domain or set of accountability measures described in
16 Subdivision (1), as determined by the district or school, provided
17 that the domains specified in Subdivision (1)(A) must in the
18 aggregate account for at least 50 percent of the overall
19 performance rating;

20 (3) must require that each locally developed domain or
21 set of accountability measures:

22 (A) contain levels of performance that allow for
23 differentiation, with assigned standards for achieving the
24 differentiated levels;

25 (B) provide for the assignment of a letter grade
26 of A, B, C, D, or F; and

27 (C) meet standards for reliability and validity;

1 (4) must require that calculations for overall
2 performance ratings and each locally developed domain or set of
3 accountability measures be capable of being audited by a third
4 party;

5 (5) must require that a district or school produce a
6 campus score card that may be displayed on the agency's web site;
7 and

8 (6) must require that a district or school develop and
9 make available to the public an explanation of the methodology used
10 to assign performance ratings under this section.

11 (b) The commissioner shall develop a process to approve a
12 request by a school district or open-enrollment charter school to
13 assign campus performance ratings in accordance with this section.
14 Under that process, a district or school must obtain approval of a
15 local accountability plan submitted by the district or school to
16 the agency. A plan may be approved only if:

17 (1) after review, the agency determines the plan meets
18 the minimum requirements under this section and agency rule;

19 (2) at the commissioner's discretion, an audit
20 conducted by the agency verifies the calculations included in the
21 plan; and

22 (3) subject to Subsection (d), a review panel
23 appointed under Subsection (c) approves the plan.

24 (c) The commissioner shall appoint a review panel for
25 purposes of Subsection (b)(3) that includes a majority of members
26 who are superintendents or members of the board of trustees or
27 governing body of school districts or open-enrollment charter

1 schools with approved local accountability plans.

2 (d) The requirement under Subsection (b)(3) applies only
3 after performance ratings are issued in August 2019 and only if at
4 least 10 school districts or open-enrollment charter schools have
5 obtained approval of locally developed accountability plans.

6 (e) A school district or open-enrollment charter school
7 authorized under this section to assign campus performance ratings
8 shall evaluate the performance of each campus as provided by this
9 section and assign each campus a performance rating of A, B, C, D,
10 or F for overall performance and for each locally developed domain
11 or set of accountability measures. Not later than a date
12 established by the commissioner, the district or school shall:

- 13 (1) report the performance ratings to the agency; and
14 (2) make the performance ratings available to the
15 public as provided by commissioner rule.

16 Explanation: The addition is necessary to provide a method
17 to locally assess performance of campuses by school districts and
18 open-enrollment charter schools.

19 (6) House Rule 13, Section 9(a)(4), is suspended to permit
20 the committee to add text on a matter that is not included in either
21 the house or senate version of the bill in proposed SECTION 19 of
22 the bill by repealing Section 39.054(c), Education Code, as
23 effective September 1, 2017.

24 Explanation: The addition is necessary to repeal Section
25 39.054(c), Education Code, which is no longer necessary under the
26 modified performance evaluation system.

27 (7) House Rule 13, Section 9(a)(4), is suspended to permit

1 the committee to add text on a matter that is not included in either
2 the house or senate version of the bill in proposed SECTION 19 of
3 the bill by repealing Section 39.0545, Education Code.

4 Explanation: The addition is necessary to repeal Section
5 39.0545, Education Code, which is no longer necessary with the
6 addition of the local accountability system.

7 (8) House Rule 13, Section 9(a)(4), is suspended to permit
8 the committee to add text on a matter that is not included in either
9 the house or senate version of the bill in proposed SECTION 20 of
10 the bill to read as follows:

11 SECTION 20. If H.B. 1500, 85th Legislature, Regular
12 Session, 2017, becomes law, that law has no effect.

13 Explanation: The addition is necessary to avoid a conflict
14 in law.